LINDA LINGLE GOVERNOR



## STATE OF HAWAII PUBLIC UTILITIES COMMISSION DEPARTMENT OF BUDGET AND FINANCE

465 S. KING STREET, #103 HONOLULU, HAWAII 96813

October 25, 2004

**RECEIVED & INSPECTED** 

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FCC - MAILROOM

**DOCKET FILE COPY ORIGINAL** 

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 - 12<sup>th</sup> Street, S.W., Room TW-A306
Washington, D.C. 20554

Irene M. Flannery Vice President, High Cost & Low Income Division Universal Service Administrative Company 2000 L Street, N.W., Suite 200 Washington, D.C. 20036

Re: CC Docket No. 96-45 - State Commission Certification for High-Cost Universal Service Support (47 U.S.C. 254(e); 47 CFR 54.314)

Dear Ms. Dortch and Ms. Flannery:

Pursuant to the Federal Communications Commission's Fourteenth Report and Order, Twenty-Second Order on Reconsideration, and Further Notice of Proposed Rulemaking in CC Docket 96-45, and Report and Order in CC Docket No. 00-256, adopted on May 10, 2001, and released on May 23, 2001, FCC 01-157, this letter is written to certify that the following eligible telecommunications carrier should continue to receive federal high-cost support funds in 2005 in accordance with the above referenced statute and federal rule:

NPCR, Inc. ("Nextel Partners") (SAC:629001) 4500 Carillon Point Kirkland, WA 98033 No. of Copies rec'd Cf Cf List ABCDE

Nextel Partners has certified to the Hawaii State Public Utilities Commission ("Commission") that it will use all federal service support funds that it receives for the provision, maintenance, and upgrading of facilities and services for which the support is intended, consistent with 47 United States Code § 254(e), and that it will comply with the requirements to be eligible for federal universal service support. See attached

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Certification Statement dated October 18, 2004. Based solely on Nextel Partners' submission and representations, the Commission hereby certifies that the funds that Nextel Partners receives for federal universal service support will only be used as intended under federal law.

To enable Nextel Partners to receive support for all four quarters of 2005, we hereby request a waiver of the October 1, 2004 filing deadline for state certification. In its certification letter dated August 27, 2004, the Commission inadvertently omitted Nextel Partners, which received its eligible telecommunications carrier designation from the Commission on June 25, 2004 in Decision and Order No. 21089 in Docket No. 03-0104.

Please contact Brooke K. Kane, Administrative Director, at (808) 586-2020 to address any questions on this matter.

Sincerely,

Carlito P. Caliboso

alto P. Calan

Chairman

CPC:LYK:eh

Attachment

c: Division of Consumer Advocacy, DCCA (w/ attachment)

Donald J. Manning, Esq. (w/o attachment)

Nathan T. Natori, Esq. (w/o attachment)

## CC DOCKET 96-45 **CERTIFICATION OF NPCR, INC. ("NEXTEL PARTNERS)** STATE OF HAWAII (SAC 629001)

Section 254(e) of the Telecommunications Act of 1996 requires that an eligible telecommunications carrier receiving federal universal service support "shall use that support only for the provision, maintenance, and upgrading of facilities and services for which the support is intended." In FCC Order No. 01-157 issued May 23, 2001, the Federal Communications Commission concluded "that states should be required to file annual certification with the Commission to ensure that carriers use universal service support 'only for the provision, maintenance and upgrading of facilities and services for which the support is intended' consistent with Section 254(e)." Fourteenth Report and Order, Twenty-Second Order on Reconsideration, and Further Notice of Proposed Rulemaking in CC Docket No.96-45, and Report and Order in CC Docket No. 00-256, para.187. Accordingly, the undersigned states and verifies under oath as follows:

- I am an officer of NPCR, Inc. ("Nextel Partners"), which is an eligible 1. telecommunications carrier for receiving federal universal service support under Section 214(e) of the Telecommunications Act of 1996.
- All federal universal service support funds received by Nextel Partners during the 2. current calendar year will be used in a manner consistent with 47 U.S.C. § 254(e); that is, for the provision, maintenance and upgrading of facilities and service for which the support is intended. Nextel Partners will continue to comply for the period January 1, 2005, through December 31, 2005, to be eligible for federal universal service support.
- This Certification Statement is provided to the State of Hawaii Public Utilities Commission to enable the Commission to certify to the Federal Communications Commission that federal universal service support received by Nextel Partners will be used in a manner consistent with Section 254(e) of the Telecommunications Act.

Dated: October 1, 2004

NPCR, INC. ("Nextel Partners")

Subscribed and sworn to before me

this B day of October 2004.

By: Dave Aas, Its: Vice President

STATE OF WASHINGTON )

) ss.

)

COUNTY OF KING

My Commission Expires

COMMISSION EXPIRES

SUZANNE W. ROEN

NOVEMBER 7, 2006